

HOUSE BILL 730

A2

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By: **Howard County Delegation**

Introduced and read first time: February 5, 2010

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County – Alcoholic Beverages Act of 2010**

3 **Ho. Co. 3–10**

4 FOR the purpose of establishing a Class B special beer and wine license in Howard
5 County; authorizing a holder of the license to sell beer and wine for
6 consumption off the licensed premises; specifying the persons authorized to be
7 issued the license; providing for the term of and hours of sale for the license;
8 specifying certain requirements that must be met before the license may be
9 issued; authorizing a holder of the license to sell beer and wine for consumption
10 off the licensed premises only to certain persons; prohibiting a holder of the
11 license from displaying or providing shelving for certain beer and wine in
12 certain areas of the establishment; specifying that certain off-sale alcoholic
13 beverages receipts be included in a certain calculation; specifying certain
14 requirements that a holder of the license must meet; authorizing the Board of
15 License Commissioners of Howard County to adopt certain regulations for a
16 certain purpose; authorizing the holder of a certain alcoholic beverages license
17 to employ an individual of a certain age to sell or serve alcoholic beverages;
18 making a certain stylistic change; and generally relating to alcoholic beverages
19 licenses and employees of holders of alcoholic beverages licenses in Howard
20 County.

21 BY adding to

22 Article 2B – Alcoholic Beverages

23 Section 7–101(p–1)

24 Annotated Code of Maryland

25 (2005 Replacement Volume and 2009 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article 2B – Alcoholic Beverages

28 Section 12–214

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2005 Replacement Volume and 2009 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article 2B – Alcoholic Beverages**

6 7–101.

7 (P–1) (1) THIS SUBSECTION APPLIES ONLY IN HOWARD COUNTY.

8 (2) THERE IS A CLASS B SPECIAL BEER AND WINE (B–SBW)
9 (OFF–SALE) LICENSE.

10 (3) A HOLDER OF A B–SBW LICENSE MAY SELL BEER AND WINE
11 FOR CONSUMPTION OFF THE LICENSED PREMISES.

12 (4) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A
13 B–SBW LICENSE ONLY TO A HOLDER OF A CLASS B BEER, WINE AND LIQUOR
14 (7–DAY) (ON–SALE) LICENSE THAT IS ISSUED FOR A RESTAURANT.

15 (5) THE TERM OF A B–SBW LICENSE ISSUED TO A SUCCESSFUL
16 APPLICANT SHALL BE THE SAME AS THAT OF THE CLASS B BEER, WINE AND
17 LIQUOR LICENSE THAT THE APPLICANT HOLDS.

18 (6) BEFORE THE BOARD OF LICENSE COMMISSIONERS ISSUES A
19 B–SBW LICENSE TO AN APPLICANT:

20 (I) THE APPLICANT SHALL:

21 1. COMPLETE THE FORM THAT THE BOARD OF
22 LICENSE COMMISSIONERS PROVIDES; AND

23 2. PAY AN ANNUAL LICENSE FEE OF \$500; AND

24 (II) THE SAME ADVERTISING, POSTING OF NOTICE, AND
25 PUBLIC HEARING REQUIREMENTS AS THOSE FOR OTHER CLASS B LICENSES
26 SHALL BE MET.

27 (7) A HOLDER OF A B–SBW LICENSE:

28 (I) MAY SELL BEER AND WINE FOR CONSUMPTION OFF THE
29 LICENSED PREMISES ONLY TO PERSONS WHO HAVE PURCHASED FOOD OR
30 ALCOHOL FROM THE LICENSED PREMISES; AND

1 **(II) IN AREAS OF THE ESTABLISHMENT THAT ARE**
2 **ACCESSIBLE TO THE PUBLIC, MAY NOT DISPLAY OR PROVIDE SHELVING FOR**
3 **BEER OR WINE FOR OFF-PREMISES SALES.**

4 **(8) OFF-SALE ALCOHOLIC BEVERAGES RECEIPTS COLLECTED**
5 **UNDER A B-SBW LICENSE SHALL BE INCLUDED IN THE CALCULATION OF**
6 **AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES UNDER**
7 **§ 1-102(A)(22)(I)1C OF THIS ARTICLE.**

8 **(9) THE HOURS FOR SALE FOR A B-SBW LICENSE ARE FROM 10**
9 **A.M. TO MIDNIGHT, MONDAY THROUGH SUNDAY.**

10 **(10) A HOLDER OF A B-SBW LICENSE MAY EXERCISE THE**
11 **PRIVILEGES OF THE LICENSE ONLY IF THE LICENSED PREMISES IS OPEN FOR**
12 **BUSINESS AS A RESTAURANT.**

13 **(11) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT**
14 **REGULATIONS TO CARRY OUT THIS SUBSECTION, INCLUDING A LIMIT ON THE**
15 **NUMBER OF LICENSES TO BE ISSUED.**

16 12-214.

17 **(A) THIS SECTION APPLIES ONLY IN HOWARD COUNTY.**

18 **(B) [In Howard County it] IT is unlawful for any “on-sale” licensee to allow**
19 **persons under the age of 18 years to engage in pool, billiards, shuffleboard, or the**
20 **playing of pinball or console machines or in any other game of chance or skill in their**
21 **licensed establishment unless those persons under 18 years are accompanied by a**
22 **parent or guardian. Any licensee violating the provisions of this section is guilty of a**
23 **misdemeanor and upon conviction shall be fined not more than \$100 or imprisoned not**
24 **more than 30 days.**

25 **(C) THE HOLDER OF A CLASS A, B, OR C LICENSE MAY EMPLOY AN**
26 **INDIVIDUAL WHO IS AT LEAST 18 YEARS OLD TO SELL OR SERVE ALCOHOLIC**
27 **BEVERAGES.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 July 1, 2010.